

## REMARKS

The present amendment is submitted in response to the Office Action dated March 31, 2008, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by July 31, 2008.

Claims 1-19 are pending in this application.

In the Office Action, claims 1-5 and 17-19 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 2,147,156 to Geffcken et al in view of U.S. 2004/0102888 to Burgdorf et al. Claims 1-2 and 6-8 were rejected under 35 U.S.C. 103(a) as being obvious over Geffcken in view of Burgdorf and further in view of U.S. Patent No. 3,436,050 to Tibbals. Claims 1-2, 6-7, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Geffcken et al in view of Burgdorf et al, further in view of Tibbals and further in view of U.S. Patent No. 6,910,841 to Isenberg. Claims 1-7 and 10-13 were rejected under 35 U.S.C. 103(a) as being obvious over Geffcken et al in view of Burgdorf et al further in view of Tibbals and further in view of U.S. 2002/0050716 to Cresswell. Claims 1-7 and 13-14 were rejected under 35 U.S.C. 103(a) as being obvious over Geffcken et al in view of Burgdorf et al further in view of Tibbals and further in view of U.S. Patent No. 3,171,322 to Kaplan. Claims 1 and 15-16 were rejected under 35 U.S.C. 103(a) as being obvious over Geffcken et al in view of Burgdorf et al and further in view of U.S. Patent No. 5,329,347 to Wallace et al.

The Applicants respectfully submit that the Geffcken reference does not suggest a device for adjusting an optical mirror. The device in Geffcken has a lens and a prism element, however, no optical mirror. Thus, the device of Geffcken also cannot disclose any mirror holder.

In addition, the adjusting pins of Geffcken, with which act as screws 10, 11, 12, are axially adjustable, however, they cannot be braced by their base points on buttresses embodied on the holder profile section.

Geffcken therefore does not disclose already four of the claimed features of the present invention.

However, also the combination of the Geffcken teachings with the other cited references does not render obvious the claimed subject matter. In particular, the combination of Geffcken with Burgdorf teaches completely away from the present invention and could not lead the practitioner to the invention as claimed. The Applicants submit further that the Examiner has not established a prima facie case of obviousness as required by MPEP 2143.01. The Applicants again refer the Examiner to the decision (*Graham v. John Deere Co.*, 1966).

The Geffcken reference discloses a photoelectric apparatus, in which light is conducted onto a photoelectric tube. A corresponding flow can be produced or controlled via the photoelectrically active surface in the tube.

Burgdorf relates to a braking device with an electric motor and a hydraulic regulating unit as well as an electronic regulating unit, in which sensors are provided in a brake assembly, whose signals are evaluated in the electronic regulating unit and by means of which the braking energy is regulated via the

hydraulic regulating unit. Burgdorf et al propose that at least one sensor is disposed in the housing of the electronic regulating unit. The device in Burgdorf is a mechanical device, which in no way can be compared to the microelectronic apparatus of Geffcken.

The Applicants respectfully submit that no practitioner would be lead to combine the above references, which deal with completely different technical fields. The reason for this combination in the Office Action remains unclear to the Applicants. Simply because both references show spring elements and screws does not address the core, central idea of the present invention as defined in claim 1.

Again, the combination of the Geffcken and Burgdorf references , which absolutely does not render obvious the subject matter of claim 1, would not lead the practitioner to the present invention, since even when the references are combined, the characterizing feature of the device of the present invention is neither shown nor suggested.

With the device of the present invention, the buttresses (43) embodied on the holder profile section (40), such that, on one hand, the buttresses (43) **center** the mirror holder (36) via the adjusting pins (37), and on the other, at least two buttresses (43) **allow** the base point (371) of the respective adjusting pin (37) to shift **radially outward**. This advantageous structure prevents slanting/tipping of the mirror holder and a non-uniform movement during adjustment.

The combination of the Geffcken and Burgdorf references, which are based on completely different technical fields, is not obvious, since neither

reference provides disclosure or a suggestion to combine its respective teachings with another reference, which is required to establish a case of obviousness. Pursuant to the new KSR guidelines in the latest version of the MPEP (Revision 6, September 2007), Section 214, III, the Examiner must clearly articulate why the claimed invention would have been obvious, and he cannot make "mere conclusory statements"; his analysis must be "explicit".

Claims 4, 5, and 17-19 all depend directly or indirectly from claim 1 and therefore are patentable for the reasons set forth with regard to claim 1 above.

Claims 1, 2, and 6-8 were rejected as obvious over the combination of Geffcken, Burgdorf and Tibbals. Again, the Applicants respectfully disagree with this conclusion. As argued above, neither Geffcken nor Burgdorf disclose or suggest the use of a mirror and therefore, the subject matter of claims 1 and 2 cannot be obvious over this combination. Since claims 6 through 8 depend directly or indirectly from claim 1, these claims are allowable for the same reasons.

The device of Tibbals may show adjusting pins, whose base regions are conical. However, contrary to the recitations of claim 6, these base regions do not rest on a preferably chamfered peripheral region of the blind bores and/or of the radial longitudinal grooves. Tibbals shows neither chamfered peripheral regions of the blind bores nor radial longitudinal grooves. This structure, which enables the radially outward shifting of at least two buttresses of the base regions of adjusting pins, is not disclosed in any of the reference, and in

particular, not in Tibbals. This feature is not addressed in the references in any manner.

Therefore, the combination of the three references would not lead the practitioner to the present invention as defined in claims 6 through 8.


In addition, claims 1, 2, 6, 7, and 9 were rejected as obvious over the combination of Geffcken, Burgdorf, Tibbals and Isenberg. The Applicants have already set forth their arguments as to the patentability of claims 1, 2, 6 and 7. The combination of now **four** references to support the rejection of the claims, including claim 9, supports the Applicants' above argument that the invention is NOT obvious, since again, none of the references even mentions the use of an adjustable mirror holder, for example. Claim 9 includes the features of claim 1, and is patentable for the same reasons as set forth above.

The same is true with regard to the rejections set forth in Sections 5, 6, and 7 of the Office Action. The Applicants respectfully request for a specific text citation which discloses an adjustable mirror holder in either Geffcken or Burgdorf.

The Applicants emphasize that the cited art fails to suggest the desirability of the claimed invention. Thus, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modifications proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The application in its previously amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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